IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NOs: 23298, 23831, 23836 & 23838 of 2004

WRIT PETITION NO: 23298 of 2004

Between:

Srinivasa Seeds rep. by Proprietor, D.Venkat Rao,
S/o. Late Appaiah, 62 Years, d.No. 81/5/A/2/5, Raghavendra Nagar, Kurnool-518001(A.P.)

..... PETITIONER

AND

1 Government of A.P., rep. by the Principal Secretary, Agriculture and

Cooperation (Marketing) Department, Secretariat, Hyderabad. A.P.
2 Commissioner & Director of Marketing, Burgula Ramakrishna Rao Bldgs,

Near Tank Bund, Hyderabad.
3 Director General, Vigillance & Enforcement, Govt of A.P., B.R.K.R.,

Bldgs, Near Tank Bund, Hyderabad. A.P.
4 Agricultural Market Committee, rep. by the Secdretary,

Kurnool-518 003. A.P.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of mandamus to declare the impugned action of the respondents in insisting to take licence and to pay the market fee on sale and purchase of SEEDS as illegal and without jurisdiction and issue consequential direction prohibiting the without jurisdiction and issue consequential direction prohibiting the respondents from

demanding to take licence and the market fee on the sale and purchase of all types of Seeds for sowing purpose from the petitioner by setting aside the show-cause notices i.e., 1) R.O.C.No.146/2004 dt. 09.08.2004 & 2) R.O.C.No.146/2004 dt. 11.8.2004 issued by the 4th respondent and also direct respondents to refund the illegally collected market fee from the petitioner and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

WRIT PETITION NO : 23831 of 2004

Between:

Ganga Seeds, rep.by the proprietor, G.Bhooma Reddy, S/o.G.Ganga Ram, R/o.Ankapur Village, Armoor Mandal, Nizamabad District.

... PETITIONER

AND

1 Government of Andhra Pradesh, rep.by the Principal Secretary Agriculture

and Cooperation (Marketing) Department, Secretariat, Hyderabad(A.P)
2 Commissioner & Director of Marketing, Burgula Ramakrishna Rao,

Building, Near Tank Bund, Hyderabad (A.P).
3 Director General, Vigilance & Enforcement, Govt. of A.P.,

Burgula Ramakrishna Rao Building Near TAnk Bund, Hyderabad(A.P)
4 Agricultural Market Committee, rep.by the Secretary, Armoor,

Nizamabad District (A.P).
5 Agricultural Market Committee, rep.by the Secretary,

Nizamabad (Post & District) A.P.
6 Agricultural Market Committee, rep.by the Secretary, Bodhan,

Nizamabad (District)A.P.
7 Agricultural Market Committee, rep.by the Secretary,

Karimanagar (Post & District) (A.P)
8 Agricultural Market Committee, rep.by the Secretary, Metpally,

Karimnagar District(A.P)
9 Agricultural Market Committee, rep.by the Secretary, Jagtial,

Karimnagar (District)A.P.
10 Agricultural Market Committee, rep.by the Secretary, Bhainsa,

Adilabad District (A.P)
11 Agricultural Market Committee, rep.by the Secretary, Nirmal,

Adilabad District (A.P)
12 Agricultural Market Committee, rep.by the Secretary, Boath,

Adilabad District (A.P)
13 Agricultural Market Committee, rep.by the Secretary,

Ananthapur (Post & District) (A.P).
14 Agricultural Market Committee, rep.by the Secretary, Guntakal,

Ananthapur (District) A.P.
15 Agricultural Market Committee, rep.by the Secretary,

Urvakonda, Ananthapur District (A.P)
16 Agricultural Market Committee, rep.by the Secretary, Emani at Gooty,

Ananthapur (District) A.P.
17 Agricultural Market Committee, rep.by the Secretary, Nandyal,

Kurnool District (A.P)
18 Agricultural Market Committee, rep.by the Secretary, Allagadda,

Kurnool District (A.P)
19 Agricultural Market Committee, rep.by the Secretary, Alur,

Kurnool District. (A.P)

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus to declare the impugned action of the respondents in insisting to take licence and to pay the market fee on sale and purchase of "seeds" as illegal and without jurisdiction and issue consequential direction prohibition the respondents from demanding to take licence and to pay the market fee on the sale and purchase of all types of seeds for sowing purpose from the petitioner and also direct respondents to refund the illegally collected market fee from the petitioner and to pass such other order or orders.

WRIT PETITION NO : 23836 of 2004

Between:

Kanakadurga Hybrid seeds Company, a Partnership Firm, rep by Managing Partner G. Ravinder S/o G. Nandayya Plant at 4-59/3B, NH7 road, Opp. to St. Paul's Public School Mamidipally, Office at 4-70/9/8, Venkateshwara Colony, Armoor-50224(A.P) Nizamabad District

... PETITIONER

AND

1 Government of Andhra Pradesh rep by Principal Secretary Agriculture and Cooperation (Marketing) Department, Secretarit, Hyderabad (AP),
2 Commissioner & Director of Marketing Burgula Ramakrishna Rao Building Near Tank Bund Hyderabad (AP)
3 Director General, Vigilance & Enforcement, Govt of A.P., Burgula Ramakrishna Rao Building Near Tank Bund, Hyderabad
4 Agricultural Market Committee rep by the Secretary Armoor, Nizamabad District (AP)
5 Agricultural Market Committee rep by the Secretary Nizamabad District (AP)
6 Agricultural Market Committee rep by the Secretary Bodhan, Nizamabad District (AP)
7 Agricultural Market Committee rep by the Secretary Karimnagar (POst & District) A.P
8 Agricultural Market Committee rep by the Secretary MetpallyKarimnagar District A.P
9 Agricultural Market Committee rep by the Secretary Jagtial, Karimnagar District A.P
10 Agricultural Market Committee rep by the Secretary Bhainsa, Adilabad District (AP)
11 Agricultural Market Committee rep by the Secretary Nirmal, Adilabad District (AP)
12 Agricultural Market Committee rep by the Secretary Boath, Adilabad District (AP)
13 Agricultural Market Committee rep by the Secretary ananthapur (Post & District) (AP)

14 Agricultural Market Committee rep by the Secretary Guntakal, Ananthapur District AP
15 Agricultural Market Committee rep by the Secretary URavkonda, Ananthapur District AP
16 Agricultural Market Committee rep by the Secretary Gooty, Ananthapur District AP
17 Agricultural Market Committee rep by the Secretary Narklyal, Karnool District (AP)
18 Agricultural Market Committee rep by the Secretary Allagadda, Karnool District (AP)
19 Agricultural Market Committee rep by the Secretary Alur, Karnool District (AP)

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus to declare the impugned action of the respondents in insisting to take licence and to pay the market fee on sale and purchase of Seeds as illegal and without jurisdiction and issue consequential direction prohibiting the respondents from demanding to take licence and to pay the market fee on the sale and purchase of all types of seeds for sowing purpose from the petitioner and also direct respondents to refund the illegally collected market fee from the petitioner.

WRIT PETITION NO : 23839 of 2004

Between:

A.P. Mutually Aided Agricultural Co-operative Marketing Society Limited, Rep. by the Chair Person, K. Shivaji Rao, S/o. K.S.R.K. Prasad Rao, Age 50 Years, H.No. 8-3-678/66-B, Opp: Dwarakamai Apartments,
Pragathi Nagar, Yellareddy Guda, Hyderabad - 500 073 (A.P)

... PETITIONER

AND

1 Government of Andhra Pradesh, Rep. by the Principal Secretary,
Agricultural and Cooperation (Marketing) Department, Secretariat,

HYDERABAD (A.P.)

2 Commissioner & Director of Marketing, Burgula Ramakrishna Rao Building,
Near Tank Bund, HYDERABAD (A.P.)

3 Director General, Vigilance & Enforcement, Government of Andhra Pradesh,
Burgula Ramakrishna Rao Building, Near Tank Bund,
Hyderabad (A.P.)

4 Agricultural Market Committee, Rep. by the Secretary,
Hyderabad. Andhra Pradesh.

5 Agricultural Market Committee, Rep. by the Secretary,
Guntur (Post & District) Andhra Pradesh.

6 Agricultural Market Committee, Rep. by the Secretary,
Mangalagiri, Guntur (Post & District) Andhra Pradesh.

7 Agricultural Market Committee, Rep. by the Secretary,
Tenali, Guntur (Post & District) Andhra Pradesh.

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Ponnuru Guntur (Post & District) Andhra Pradesh.

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Counsel for the Petitioners: MR.K.RAJANNA

Counsel for the Respondent Nos.1 to 3 in all the writ petitions: GP FOR AGRICULTURE & COOPERATION.

Counsel for the other Respondents in all the writ petitions: Mr.K.Madhava Reddy, Standing Counsel for AMCS (AR), Mr.V.V.N.Narayana Rao, S.C. for AMCS (TR) and Mr.P.Bhanu Prakash, S.C. for AMCS (RR).

The Court made the following:

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.Nos.23298, 23831, 23836, and 23839 of 2004

COMMON ORDER:

These writ petitions are covered by the judgment, dated 08.02.2005, passed by this Court in W.P.No.13527 of 2004 & batch. Following the same, the writ petitions are ordered, directing that,

a. Seeds developed and manufactured by the petitioners, and sold as certified or labeled seeds, are not subject to levy of market fee, and the demand notices, if any, issued therefor are set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.15-02-2005

KO

To

1 The Principal Secretary, Government of Andhra Pradesh,

Agricultural and Cooperation (Marketing) Department,

Secretariat, HYDERABAD (A.P.)
2 The Commissioner & Director of Marketing,

Burgula Ramakrishna Rao Building, Near Tank Bund,

HYDERABAD (A.P.)
3 The Director General, Vigilance & Enforcement,

Government of Andhra Pradesh, Hyderabad.

4 2 CCs to G.P. for Agriculture, High Court of A.P.,

High Court Buildings, Hyderabad (OUT).

5 The Secretary, Agricultural Market Committee,

Kurnool-518 003. A.P.

6 The Secretary, Agricultural Market Committee, Armoor,

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87 2 C.D. copies.